
Appeal Decision

Site visit made on 5 May 2015

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 June 2015

Appeal Ref: APP/Q1445/W/15/3004999
Just Organics, 4 Coombe Terrace, Brighton BN2 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Choudhury against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03671, dated 31 October 2014, was refused by notice dated 21 January 2015.
 - The development proposed is installation of new shop front to provide separate access to first floor flat.
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Decision

1. I allow the appeal and grant planning permission for installation of new shop front to provide separate access to first floor flat at Just Organics, 4 Coombe Terrace, Brighton BN2 4AD in accordance with the terms of the application, Ref BH2014/03671, dated 31 October 2014 and the plans submitted with it, namely PL001/rev1 and PL002/Rev1.

Reasons

2. The application is retrospective as the replacement shop front is in place, but the appellant has provided a photograph of the previous shop front, by which to judge the effect of the change. The main issue is the effect of the development on the character and appearance of Coombe Terrace and the surrounding area.
3. The shop, with its reduced floor area and reduced window display, appears still capable of viable use and the separate entrance to the flat above is an enhancement to the living conditions of the occupier and brings about an improvement in security for the shop business and the fire safety of the building. The appellant refers to the shop being within a 'local parade' as defined in the Local Plan, which states that it is important to keep A1 uses viable in such locations.
4. Policy QD10 requires new shopfronts to respect the style, proportions, detailing, colour and materials of the parent building, and surrounding Shopfronts/buildings; not interrupt architectural details; be part of a design strategy and allow access for everyone. Special requirements are stated for conservation areas and listed buildings but this proposal concerns neither. Supplementary Planning Document 02 '*Shop Front Design*' says that there are usually sound reasons why a shop front may be proposed for replacement, with examples given which are clearly not exhaustive, and in those cases the

principle of replacement will normally be accepted. In this case there is sufficient reason as set out above for the principle of replacement to be acceptable. Nevertheless, the document continues with guidance on design and at page 4 includes a shop front with a separate access to residential space above, albeit with a wider overall frontage than is available at number 4. Paragraph 56 of the National Planning Policy Framework makes clear the importance of good design.

5. The terrace in which the shop front sits is very varied, and it is possible to identify various phases, with a limited number of unaltered twin sash window ground floors, with others having altered openings and replacement windows, yet others with Shopfronts installed, again very varied themselves, and another variation which give the impression of once being shops and now having reverted to residential. In all this it is the rhythm of the upper floor shallow bays, windows and gable roof forms that give the terrace an attractive unifying appearance. That unifying feature is clearly seen from either end of the terrace and within, and also from the open car parking of the retail park on the far side of the main road. Whilst not a heritage asset, the significance of the building and its contribution to the character and appearance of the area resides in the upper floor, with only the limited examples of the original ground floor windows or openings remaining.
6. The shop front now installed does have 2 doors and being narrow, does have only a limited shop window between as a result. However, within the considerable variety of shop-fronts, or other ground floor arrangements, in the vicinity and particularly in the three neighbouring properties to the north and a significant number to the south, the arrangement at number 4 does not appear jarring or out of place and does not erode the pleasing uniformity and architectural details of the first floor and roofs. The proportions that result from obtaining the functional benefits of the separate flat access are not common in the long terrace, but do not represent poor design and do not cause visual harm in this location. The replacement shop front accords with the aims of Local Plan Policy QD10 and guidance SPD02, as well as the requirements of the Framework in that respect. In providing for the continuing use of both the shop and the residential premises separately, in this highly accessible location, the development is sustainable and the use of resources in replacing a shop front is justified.
7. The Council rightly state that generally no conditions are needed for this retrospective work, but do say that the one listing the drawings should be attached. In fact this is not needed as that comes from the provisions for greater flexibility in planning permissions and concerns only unimplemented permissions, to allow minor amendments prior to implementation. A retrospective permission does not accord with that requirement. However, the drawing numbers are listed in the permission itself for the avoidance of doubt. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR